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CENTRAL FAX CENTER**Inventor: PICKFORD ET AL  
Serial No.: 10/501,538  
Filing Date: 7/16/2004  
Examiner: Christopher D. Prone  
Group Art Unit: 3738**APR 16 2009**Amendments to the claims:

This listing of claims replaces all prior versions, and listings, in the application.

Listing of claims:

Claims 1-43 (Cancelled)

44. (Currently amended) An implant for use in a surgical procedure, said implant comprising a metal substrate, an anodized surface layer in the form of a matrix containing titanium oxide, biocidal metal ions absorbed into said matrix in ionic form by ion exchange, the quantity of biocidal metal ions being of a quantity releasable over time from said matrix after a surgical procedure wherein said biocidal metal ions are silver ions equivalent to an average surface loading of up to 73 ug/cm<sup>2</sup>.

45. (Cancelled)

46. (Previously presented) An implant as claimed in claim 44 wherein the biocidal material adsorbed into said surface layer is effective in suppressing infection for at least 6 weeks after said surgical procedure.

47. (Currently amended) An implant for use in a surgical procedure, said implant comprising a metal substrate, an anodized surface layer in the form of a matrix containing a phosphate, biocidal metal ions absorbed into said matrix in ionic form by ion exchange, the quantity of biocidal metal ions being of a quantity releasable over time from said matrix after a surgical procedure wherein said biocidal metal ions are silver ions

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equivalent to an average surface loading of up to 73 ug/cm<sup>2</sup>.

48. (Cancelled)

49. (Previously presented) An implant as defined in claim 47 wherein said metal substrate is comprised of titanium and said surface layer is comprised of titanium phosphate, said biocidal metal ions being comprised of silver releasable over time from said matrix in an effective amount for suppressing bacterial infection.

50. (Previously presented) An implant as claimed in claim 47 wherein the biocidal material adsorbed into said matrix is effective in suppressing infection for at least 6 weeks after said surgical procedure.

51. (Cancelled)

52. (Cancelled)